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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Bossuyt, Mrs. Daes, Mr. Guissé, Mrs. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer: draft resolution

Situation in Rwanda

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned at the extent and seriousness of the genocide resulting from the massacres of the Tutsis, the political assassinations of the Hutus and the various attacks on human rights in Rwanda,

Conscious that this tragedy is the outcome of policies of discrimination which have divided the people of Rwanda and brought great suffering,

Conscious also of the pernicious role played, both in the past and at the present time, by certain States, groups or individuals in the tragedy of Rwanda,

Convinced of the urgent need to take all requisite steps to put an end to this situation,

1. Demands an immediate end to the massacres and sufferings imposed on the people of Rwanda with the complicity of certain States, by proceeding more particularly to rapid and complete disarmament of the militias and extremist elements of the former Rwandese forces which are guilty of these massacres;

2. Deplores the fact that the tardy and insufficiently effective intervention of the international community, including the United Nations and its various organs, as well as the Organization of African Unity, did not, when it was still possible, make it possible to prevent the genocide, yet takes note of the humanitarian efforts made, notably within the United Nations system;

3. Calls for all measures to be taken to encourage the voluntary return, in complete security, to their homes and lands, of all the Rwandese refugees;

4. Hopes that the epidemics, including cholera and dysentery, decimating the people of Rwanda will be contained, with a view to their eradication by all possible means;

5. Calls for Rwanda and its people, with the collaboration of the Organization of African Unity, to be given all the help and assistance needed for the establishment of a State governed by the rule of law and for the reconstruction of the country, in conformity with the decisions and the interests of the people of Rwanda;

6. Reminds all States, whether neighbours of Rwanda or others, and the mass media, particularly the radio stations, of their obligation to maintain strict and objective neutrality towards the conflict and to put an immediate end to all propaganda and incitement to ethnic and racial hatred;

7. Calls for action to investigate, identify and establish the responsibilities, both national and international, of the individuals implicated in the war crimes, crimes against humanity and genocide in the tragedy of Rwanda, for the purpose of punishing those responsible and guaranteeing the victims or their heirs fair and equitable compensation in accordance with the principles of international law;

8. Calls for the adoption of appropriate measures by States which have granted asylum or other refuge to the individuals implicated in the massacres, so that they do not escape justice;

9. Stresses the importance of establishing an international criminal court in order to try the persons responsible for these crimes;

10. Calls the attention of the expert commission set up by the Secretary-General of the United Nations to the need to inquire into the events which have led to the present situation, including the assassination of the Prime Minister and of Rwandese ministers and dignitaries, as well as of the 10 United Nations soldiers assigned to protect the Prime Minister, and to identify the Rwandese and foreign individuals implicated in the arms traffic or other illicit traffic or in the broadcasting of racist propaganda which rendered possible the crime of genocide and the political assassinations, and to engage as a priority in identifying and finding evidence and establishing the responsibility of the proprietors, management and personnel of the media, especially "Radio Mille Collines", which continue to play a crucial role, by the manipulation of information, in the perpetration and spread of the atrocities;

11. Expresses the hope that effective follow-up will be ensured, in the context of existing United Nations machinery, to the report of the Special Rapporteur on the situation of human rights in Rwanda, which gives an account of the political assassinations and genocide that have taken place in Rwanda.

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Agenda item 5 (a)

ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION
AND THE ROLE OF THE SUB-COMMISSION

Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch,
Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajje,
Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim,
Mr. Hatano, Mr. Joinet, Mr. Khan, Mrs. Koufa, Mr. Limón Rojas,
Mr. Lindgren Alves, Mr. Maxim, Mrs. Mbonu, Ms. Palley,
Mr. Ramadhane and Ms. Warzazi: draft resolution

A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and related intolerance,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial and ethnic discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Bearing in mind the sequence of world conferences programmed by the United Nations to take place before the year 2000,

Recommends to the Commission on Human Rights that, at its fifty-first session, it suggest, through the Economic and Social Council, to the General Assembly, at its fiftieth session, the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, to take place in 1997.

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Forty-sixth session
Agenda item 5 (b)

ELIMINATION OF RACIAL DISCRIMINATION

MONITORING THE TRANSITION TO DEMOCRACY IN SOUTH AFRICA

Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Mrs. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the successful transition to a free, democratic and non-racial South Africa following the all-party elections in April 1994,

Desirous of assisting the Government of the new South Africa to attain its legitimate, chosen and established goals of racial harmony and the full realization of economic, social and cultural rights,

Noting with deep satisfaction the historic role of the Commission on Human Rights, the Sub-Commission and the international community over the years, most recently in facilitating the successful democratization of South Africa,

Noting also with satisfaction the report of the Special Rapporteur, Miss Judith Sefi Attah on her mission to South Africa (E/CN.4/Sub.2/1993/11/Add.1), as well as the recommendations and conclusions contained therein,

Welcoming the invitation by the Government of South Africa to the Special Rapporteur to visit South Africa in the context of the preparation of her second and final report,

1. Takes note of the report of the Special Rapporteur and the recommendations and conclusions contained therein;

2. Requests the Special Rapporteur to submit her second and final report on the steps and measures being taken by the Government of South Africa to:

(a) Eradicate the legacies of apartheid;

(b) Rehabilitate its victims;

(c) Build confidence amongst the communities to promote reconciliation and harmony;

(d) Give effect to the realization and enjoyment of economic, social and cultural rights;

3. Expresses its appreciation to the Government of South Africa for its cooperation with and assistance to the Special Rapporteur in the discharge of her mandate;

4. Requests the Special Rapporteur to present her second and final report to the Commission on Human Rights at its fifty-first session and to the Sub-Commission at its forty-seventh session;

5. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to discharge her mandate, including her visit to South Africa.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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of Minorities
Forty-sixth session
Agenda item 18

PROTECTION OF MINORITIES

Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. El-Hajje, Mr. Guissé, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limon Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer: draft resolution

Strengthening the prevention and punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, genocide, as a crime under international law is a crime against humanity,

Recalling that, as pointed out in the Convention, at all periods of history genocide has inflicted great losses on humanity,

Noting that this evil is continuing in our time with equal intensity, as is shown by the atrocities being committed in the former Yugoslavia and in Rwanda,

Considering that this situation highlights the deficiencies of the Convention, which, although it was ratified by the majority of the States Members of the United Nations has never been enforced effectively,

Regretting therefore that, since the international penal tribunal provided for in article VI of the Convention has never actually been set up, the Convention leaves to the accused State alone the responsibility of punishing genocide,

Bearing in mind, in addition to the work of the International Law Commission concerning the statute for an international criminal court, the recommendations made by the Special Rapporteur of the Sub-Commission, Benjamin Whitaker, in his study on the question of the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/1984/40),

1. Requests the General Assembly to consider with high priority, with a view to its adoption, the draft statute for an international criminal court that has just been submitted to it by the International Law Commission aiming in particular at the punishment of genocide;

2. Requests the States Parties to the Convention on the Prevention and Punishment of the Crime of Genocide, by virtue of the faculty granted to them by article VIII of the Convention on the Prevention and Punishment of the Crime of Genocide, to encourage - or even undertake - the drafting and adoption of a control mechanism in the form of a treaty committee charged in particular with monitoring compliance of States Parties with the commitments which they undertook in accordance with article V of the Convention, through the assessment of the reports submitted by the States Parties and, on a preventive basis, to draw the attention of the High Commissioner for Human Rights to situations which may lead to genocide;

3. Recalls that, pursuant to article V of the Convention, the Contracting Parties must enact the necessary legislation to give effect to the provisions of the Convention, and, in particular, to provide effective penalties for persons guilty of genocide;

4. Decides to examine the conditions under which the Convention could be improved by including a clause concerning universal jurisdiction in order to take into account the international character of this crime and also by extending its enforcement, which has until now been limited to ethical, racial or religious genocide, to political genocide.

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Forty-sixth session
Agenda item 18

PROTECTION OF MINORITIES

Mr. Bengoa, Ms. Chavez, Mrs. Daes, Mr. El-Hajje, Mr. Fan,
Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim,
Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limon Rojas,
Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills, Ms. Warzazi,
Mr. Yimer and Mr. Yokota: draft resolution

Prevention of discrimination and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned that the number of reported incidents attributable to racism, racial discrimination and xenophobia and related intolerance has increased,

Disturbed by the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Noting with great interest the valuable report submitted to the Commission on Human Rights at its fiftieth session by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo (E/CN.4/Sub.2/1994/66),

Recalling its resolution 1993/43 of 26 August 1993, in which it decided to consider at its forty-sixth session the follow-up to be given to the final report presented by Mr. Asbjørn Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4), including the feasibility and usefulness of the preparation of a comprehensive programme for the prevention of discrimination and protection of minorities, and entrusted Mr. Eide with the task of preparing a working paper containing suggestions for such a programme,

Noting Commission on Human Rights resolution 1994/22 of 1 March 1994 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having examined in great detail the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1), as well as the final report presented in 1993,

Convinced of the need to ensure equality and non-discrimination between all groups in society and to find peaceful and constructive solutions to minority situations in accordance with international law,

Taking note of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and convinced that its implementation, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant international instruments, provides the best guidance for such endeavours,

Reiterating that all groups should cooperate peacefully in the search for constructive accommodation of their respective concerns within the general framework of international human rights law and should abstain from any use of violence,

Emphasizing the need for systemwide cooperation within the United Nations to facilitate peaceful solutions to such situations,

Underlining the significant contributions which are made by the relevant treaty-monitoring bodies, in particular the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Rights of the Child, to this task,

Aware of the important contributions rendered by the High Commissioner for Human Rights,

Underlining the need for close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Expresses its profound appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for the working paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities (E/CN.4/Sub.2/1994/36 and Corr.1) as well as for his final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4);

2. Requests the Secretary-General to invite Governments and competent intergovernmental and non-governmental bodies to submit their comments on the recommendations contained in addendum 4 to the final report and to make the comments available at the forty-seventh session of the Sub-Commission;

3. Recommends that the final report be published in all the official languages of the United Nations and that it be given the widest possible circulation;

4. Endorses the proposals made in the working paper for the development by the Sub-Commission of a comprehensive programme to fulfil its dual mandate of prevention of discrimination and protection of minorities;

5. Decides that, beginning at its forty-sixth session, its agenda will include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers;

6. Recommends, as a first step, that the Commission on Human Rights request the Economic and Social Council to authorize the establishment of an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(a) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(c) Promote dialogue between minority groups in society and between those groups and Governments;

7. Recommends that the working group should consist of five members of the Sub-Commission and be open to representatives of minorities, regardless of whether they have consultative status with the Economic and Social Council, Governments, treaty-monitoring bodies, specialized agencies and other relevant intergovernmental bodies and non-governmental organizations;

8. Recommends also that the Commission, further to paragraph 12 of Commission resolution 1994/22 of 1 March 1994 and bearing in mind the importance and complexity of the question of the protection of minorities, request the assistance of Mr. Asbjørn Eide, who is an expert in the field of minorities, to prepare an analytical report on minority issues, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

9. Recommends further that the Centre for Human Rights be strengthened to enable it to provide adequate services to the working group and for the purpose of undertaking relevant studies, evaluation and action in this field;

10. Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Taking note of resolution 1994/... of ... August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Endorses the recommendations

(a) That an inter-sessional working group of the Sub-Commission be established, consisting of five of its members, to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(i) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(ii) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human

Rights, on further measures for the protection of minorities in cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(iii) Promote dialogue between minority groups in society and between those groups and Governments;

(b) To request the assistance of Mr. Asbjørn Eide to prepare an analytical report on minority issues, as envisaged in Commission resolution 1994/22 of 1 March 1994, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

(c) That the Centre for Human Rights be strengthened to enable it to provide adequate services to the working group and for relevant studies, and for the purpose of undertaking relevant evaluation and action in this field;

(d) That the study by Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) be published in all the official languages of the United Nations and given the widest possible circulation;

2. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1995/... and of Sub-Commission resolution 1994/...,

Endorses the recommendations of the Sub-Commission and the Commission to:

(a) Establish an inter-sessional working group of the Sub-Commission to examine, inter alia, peaceful and constructive solutions to situations involving minorities, and in particular to:

(i) Review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(ii) Provide recommendations to the Sub-Commission and other competent entities, including the High Commissioner for Human Rights, on further measures for the protection of minorities in

cases where the working group finds a risk of the eruption or escalation of violence between different groups in society;

(iii) Promote dialogue between minority groups in society and between those groups and Governments;

(b) Request the assistance of Mr. Asbjørn Eide to prepare an analytical report on minority issues, as envisaged in Commission resolution 1994/22 of 1 March 1994, to submit a preliminary report to the Commission at its fifty-second session and a final report at its fifty-third session, bearing in mind in particular the new developments affecting minorities;

(c) Strengthen the Centre for Human Rights to enable it to provide adequate services to the working group and for the purpose of undertaking relevant studies, evaluation and action required in this field;

(d) Publish the study by Mr. Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) in all the official languages of the United Nations and to give it the widest possible circulation.

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Forty-sixth session
Agenda item 17 (a)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

Mr. Bengoa, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills and Mr. Yimer:
draft resolution

Children and the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the recognition and legal foundations of the right to adequate housing in, inter alia, the Universal Declaration on Human Rights (art. 25.1), the International Covenant on Economic, Social and Cultural Rights, (art. 11.1), the Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)) and the Convention on the Rights of the Child (art. 27.3),

Recalling also resolution 1992/10 of 21 February 1992 of the Commission on Human Rights, in which it took note with particular interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) adopted by the Committee on Economic, Social and Cultural Rights at its sixth session, resolution 1993/77 of 10 March 1993 entitled "Forced evictions" and resolution 1994/14 of 25 February 1994 entitled "Promoting the realization of the right to adequate housing", adopted without a vote by the Commission on Human Rights at its forty-ninth and fiftieth sessions respectively,

Recalling further its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992 and 1993/41 of 26 August 1993, entitled "Forced evictions",

Conscious that one of the areas where the indivisibility and interdependence of human rights and of the rights of children become most apparent is with respect to the existence of widespread poverty leading to inadequate housing and living conditions,

Aware of the worsening situation around the world of the living conditions of children and of the fact that tens of millions of children are being forced to live in the streets, in slums and on pavements, and that this number is growing daily,

Concerned at the especially adverse living conditions of children belonging to vulnerable groups, including indigenous people and ethnic, racial, religious and other minorities,

Deeply concerned at the particularly adverse effects of forced evictions on the health, well-being and development of children,

Stressing in general the adverse impact of poverty, and in particular of inadequate living and housing conditions, on the realization of the basic rights of children, including the right to food, to health, to education and the right to birth registration,

Stressing also that the various competent supervisory mechanisms, including the Committee on the Rights of the Child, as well as the specialized agencies of the United Nations system, need to focus more on the impact of inadequate living and housing conditions on the realization of the economic, social and cultural rights of children and their families in all parts of the world,

1. Reminds Governments to comply to the maximum extent of available resources with all existing obligations concerning the legally recognized rights of children to an adequate standard of living and the continuous improvement of living and housing conditions;

2. Recognizes the importance in this regard of international cooperation and the need for cooperation between Governments, non-governmental organizations and international agencies;

3. Recommends that the Special Rapporteur on the promotion of the realization of the right to adequate housing devote special attention in his final report, to be submitted in 1995, on the impact that violations of the right to adequate housing have on the realization of the full range of the rights of the child;

4. Also recommends that all relevant special rapporteurs, in particular the Special Rapporteurs on extreme poverty and on population transfer, and all the country rapporteurs of both the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights take into account the question of the housing rights of children and their families in the preparation of their reports;

5. Requests the Committee on the Rights of the Child to give special attention to the issue of the housing rights of children and their families when examining States parties' reports and to consider developing appropriate indicators to assess the state of children's housing and living conditions;

6. Also requests the Committee on the Rights of the Child to consider devoting a day of general discussion to the impact of poverty and inadequate living and housing conditions on the economic, social and cultural rights of children;

7. Invites the United Nations Children's Fund to consider including, in its publications The State of the World's Children and The Progress of Nations, a separate section on the state of children's housing rights and to support actively local, national and international initiatives aimed at improving children's living and housing conditions;

8. Requests the specialized agencies and organizations and bodies of the United Nations system to devote special attention to the issue of children and

housing rights in their policies, programmes and publications, and to develop and promote the application of reliable indicators to assess the state of children's housing rights;

9. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to take fully into account the human rights implications for children of their policies, in particular structural adjustment programmes and the funding of large-scale development projects;

10. Requests Governments, the specialized agencies and organizations and bodies of the United Nations system to develop effective strategies for rapidly improving the housing and living conditions of children throughout the world, in full consultation with and with the full participation of children themselves, their representatives and community-based non-governmental and other relevant groups;

11. Decides to review the matter of children and the right to adequate housing at its forty-seventh session, under the relevant agenda item.

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Agenda item 16

CONTEMPORARY FORMS OF SLAVERY

Ms. Chavez, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mrs. Gwanmesia, Mr. Hatano, Ms. Palley and Mr. Yimer: draft decision

Slavery during wartime

At its ... meeting, on ... August 1994, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note of the information concerning slavery and slavery-like practices during wartime which was received by the Working Group on Contemporary Forms of Slavery at its nineteenth session and by the Sub-Commission at its present session, bearing in mind the importance of this information, which requires an in-depth study as a matter of priority, recalling its resolution 1993/24 of 25 August 1993 on slavery and slavery-like practices in which it decided to entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slave-like practices during wartime including, in particular internal armed

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conflict and considering decision 1994/103 of 4 March 1994, in which it requested the Sub-Commission to reconsider its decisions to recommend a number of studies and related efforts, including the above-mentioned study, decided to invite Mrs. Linda Chavez to submit without financial implications, a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime including in particular internal armed conflict, to the Sub-Commission at its forty-seventh session; to request the concerned Governments, intergovernmental and non-governmental organizations to cooperate with the expert in the preparation of her working paper and to consider this subject at its forty-seventh session as a matter of priority.

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Agenda item 17 (a)

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Koufa, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim, Mr. Fix Zamudio, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi, Mr. Yimer and Mr. Yokota:
draft resolution

1994/... Situation of children deprived of their liberty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Convention on the Rights of the Child,

Mindful of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, as well as of the Standard Minimum Rules for the Treatment of Prisoners,

Recalling its resolution 1992/25 of 27 August 1992 and Commission on Human Rights resolution 1993/80 of 10 March 1993 entitled "Application of international standards concerning the human rights of detained juveniles", in which concern was expressed that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of detained juveniles had serious and far-reaching consequences for the juveniles concerned and for society,

Conscious of its responsibility to contribute to the promotion and encouragement of respect for the rights of children,

Reiterating its deep concern about the situation of children deprived of their liberty and the violation of their fundamental human rights, in particular the deprivation of their rights to life, physical integrity and security of person, humane treatment, and separation from adult criminals in prison establishments,

1. Invites the Committee on the Rights of the Child to give priority to an in-depth examination of the topic "Situation of children deprived of their liberty";

2. Urges all the relevant human rights treaty monitoring bodies, the United Nations Children's Fund, the International Labour Organisation, the United Nations Educational Scientific and Cultural Organization, the World Health Organization and the International Criminal Police Organization, Governments, and other intergovernmental and non-governmental organizations to give particular attention in their work to the grave situation of children deprived of their liberty and to the implementation of provisions and standards designed to ensure their protection;

3. Requests the Secretary-General to submit to the Sub-Commission at its forty-seventh session a note on the situation of children deprived of their liberty under the agenda sub-item entitled "Prevention of discrimination and protection of children: human rights and youth".